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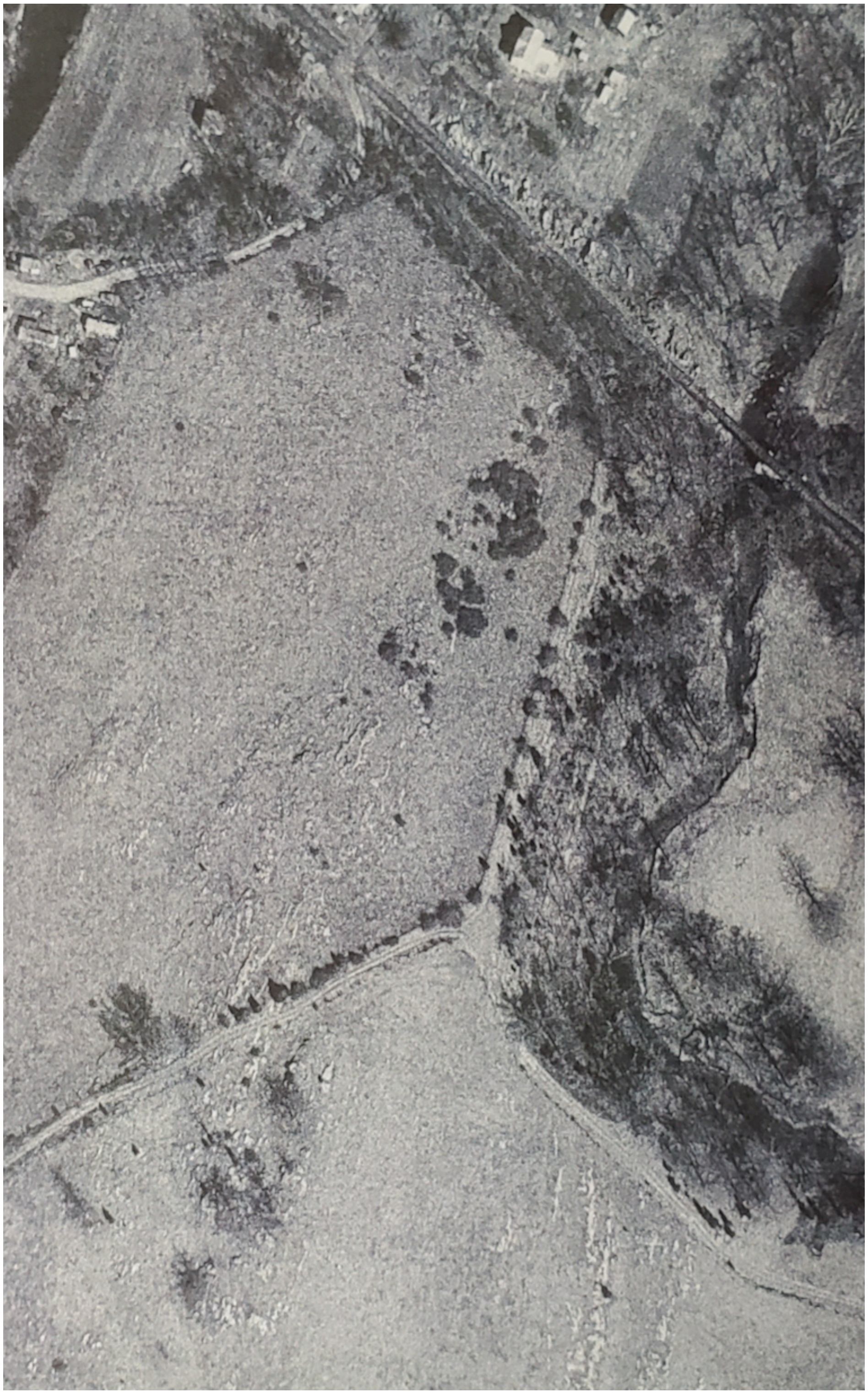
Appellate Court of Maryland
1/20/2023 10:47 PM



IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *
PLAINTIFF *
*
vs. * **CASE NO. C-21-CV-20-000371**

JUSTIN HOLDER, et al. *
DEFENDANT *
*

ANSWERS TO INTERROGATORIES

TO: JUSTIN HOLDER, et al., Defendant

FROM: JEFFREY YOUNG, Plaintiff

Comes now the Plaintiff, Jeffrey Young, thru his attorney, R. David Pembroke, and in response to the Interrogatories propounded to his by the Defendant states as follows:

a. The information contained in these Answers is being provided in accordance with the Maryland Rules requiring the disclosure of all facts which may be relevant or may lead to discovery of relevant information. Accordingly, the party answering these Interrogatories does not, by providing information requested, waive objections to the admissibility of any such information on the grounds of materiality, relevancy or other appropriate grounds.

b. The information supplied in these Answers is not based solely on the knowledge of the executing party, but includes knowledge of the party, his agents, representatives and attorneys, unless privileged.

c. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers, and not necessarily the precise language of the executing party.

Interrogatory Number 1. Identify each person, other than a person intended to be called as an expert witness at trial, having discoverable information that tends to support a position that you have taken or intend to take in this action, including any claim for damages, and state

PENGAD-Bayonne, N.J.
DEFENDANT'S
EXHIBIT
1
Deena Holder

the subject matter of the information possessed by that person. (standard general Interrogatory No. 1.)

Answer Interrogatory Number 1. My wife, Ben Estes, Mark Hutzell, David Hutzell, Carl French, Russ Robinson III, Esquire, Christine Morral and Scott Morral and Mary Ironside.

Interrogatory Number 2. Identify each person whom you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and, with respect to an expert whose findings and opinions were acquired in anticipation of litigation or for trial, summarize the qualifications of the expert, state the terms of the expert's compensation, and attach to your answers any available list of publications written by the expert and any written report made by the expert concerning the expert's findings and opinions. (standard general Interrogatory No. 2.)

Answer Interrogatory Number 2. Christopher Joliet, Real Estate Attorney, 223 North Prospect Street, Hagerstown, MD 21740, 301-791-5150. Real Estate Attorney for more than thirty (30) years. No written report has been made.

Interrogatory Number 3. If you intend to reply upon any documents, electronically stored information, or tangible things to support a position that you have taken or intend to take in the action, including any claim for damages, provide a brief description, by category and location, of all such documents, electronically stored information, and tangible things, and identify all persons having possession, custody, or control of them. (standard general Interrogatory No. 3)

Answer Interrogatory Number 3. Documents all provided in Response to Request for Production of Documents 1, 2, 3, 4, 5, 8, 9, 10 ,11, 12, 14, 15, 17, 19, 20, 21, 24 and 26.

Interrogatory Number 4. Set forth in detail each and every communication you had with any Defendant or any of any Defendants' agents or employees and for each such communication, identify the date of the communication, any witnesses to the communication, the substance of the communication. and whether the communication was oral or written.

Answer Interrogatory Number 4. Objection this request is overboard

Interrogatory Number 5. Set forth in detail each and every communication you had with any person that concerned the subject matter of your Complaint, any claimed right of way claimed by any Defendant, and identify the date of the communication, any witnesses to the communication. the substance of the communication, and whether the communication was oral or written. In answering this Interrogatory, include any relevant discussions involving (but not limited to) the following individuals:

a. Ranger Mary Ironside

b. Mayor Ken Lord

c. Rick Bishop

d. Matthew Powell

e. Carl French

f. Mark Hutzell

g. David Hutzell

h. Cody Linton

i. Benjamin Estes

j. Sheriff Doug Mullendore

k. Lieutenant Hollinger

l. Christine Morral

m. Scott Morral

n. Barry Levey

o. Donna Levey

p. Any resident of Stonecrest Circle

q. Any Law Enforcement Officer

r. Any Department of Natural Resources agent, employee or official

s. Any agent, representative, employee or official from the Maryland Office of the Attorney General

t. Any County Commissioner or other official or employee of Washington County, Maryland

u. Any surveyor

v. Any title insurance company agent, adjustor or representative

Answer Interrogatory Number 5. Mary Ironside, I may have spoken with her over the phone.

Mayor Ken Lord, never spoke to the man.

Rick Bishop, does not recall speaking with the man.

Matthew Powell, does not recall speaking with the man.

Carl French, no

Mark Hutzell , no

David Hutzell, No

Cody Linton, No

Benjamin Estes, talked 1 time December 2020 oral general discussion of Justin and pending case.

Sheriff Doug Mullendore, no

Lieutenant Hollinger, 1 or 2 times on phone. Summer of 2020 talked about trespassing and right of way claimed by Holder.

Christine Morral, multi times. Oral communication in reference to Peace Order proceedings and existence of wagon road right of way.

Scott Morral, multi times. Oral communication in reference to Peace Order proceedings and existence of wagon road right of way.

Barry Levey, no

Donna Leval, 1 time at post office in Keedysville. Summer of 2020 spoke about why Holder was proceeding when he had 2 ways of access to property.

Any resident of Stonecrest Circle, Charles Blancto, fall of 2020, talked about alleged right of way and clearing brush.

Erin Ackers, she called me, Said people on client's property looked like surveying September 3, 2020. I said "thank you".

Any Law Enforcement Officer, sheriff's dept. September 26, 2020. Lock on cable across lane was damaged. I spoke with several officers

Any department of Natural Resources agent, employee or official, spoke one time regarding Holder clearing brush with machine.

Any agent, representative, employee or official from the Maryland Office of the Attorney General, no

Any County Commissioner or other official or employee of Washington County, Maryland, Rick for Keedysville Service (client gave me minutes of a meeting. Asked about Holder and right of way.

Any Surveyor, Fred Sibert, I had a telephone call on information of site plans (client should get a Peace Order against Holder)

Any title insurance company agent, adjustor or representative, no.

Rick Bishop – talked to him. Asked if he had any maps or plots of Keedysville including said property and boundaries.

Matthew Powell – talked to once at the Post Office.

Interrogatory Number 6. If you have ever had the property that is subject of your Complaint ("Your Property") surveyed, identify the name of the surveyor, the date of the survey, including but limited to any and all drawings, notes, invoices and contracts.

Answer Interrogatory Number 6. #1 Harry Wickline had Frederick, Seibert and Associates; Inc. dated 6-16 188 recorded Plat Folio 2499. #2 Liber 434 Folio 776 survey, December 3 & 10, 1965, surveyor's name ineligible. #3 Survey 1993 Fred Fredricks, June 30, 1993, Liber 1108, folio 790

Interrogatory Number 7. Did any Defendant ever bring you whiskey, and, if so, describe the encounter in detail?

Answer Interrogatory Number 7. Objection. The information is not relevant nor material to the issues in this case nor is it calculated to lead to discoverable information.

Interrogatory Number 8. If you have ever erected a cable or chain across or near the driveway to Your Property, describe with specificity your intentions in doing so. In answering this interrogatory, state whether you intended to block any road or right of way in erecting the cable or chain.

Answer Interrogatory Number 8. No right of way currently exists on that Portion of Property. I did erect a cable across my driveway. I intended to prohibit trespassing on my property.

Interrogatory Number 9. When you walked the boundary of Your Property with Justin Holder on May 29, 2020, did you tell him your pin was between three iron stakes that were green (but are now rusted), and, regardless of whether you did or did not tell him so, is that true?

Answer Interrogatory Number 9. Object to the format of this Interrogatory. It asks two separate questions. However, in further answer, yes.

Interrogatory Number 10. Identify and describe any damage any Defendant has ever caused to any property belonging to you that is located within the area defined as Parcel 1 on Plan No. 2499, and the Deed recorded at Liber 434, folio 776 among the Land Records of Washington County, Maryland ("Parcel 1").

Answer Interrogatory Number 10. Damage to trees, brush and posts when Justin Holder removed and attempted remove trees, brush and posts.

Interrogatory Number 11. Identify each and every time you have ever been within the area defined as "Parcel 3 of L.434 F.776" on Plat No. 2499, and as Parcel 3 on the Deed recorded at Liber 434, folio 776 among the Land Records of Washington County, Maryland ("Parcel 3")?

Answer Interrogatory Number 11. I have been within the area on a regular basis since purchasing the property 32 years ago. Exact times and dates are unknown.

Interrogatory Number 12. If you contend that you have openly, notoriously, exclusively, and/or continuously possessed any portion of land within Parcel 3 for any period of time, identify and describe all facts and evidence that support that contention.

Answer Interrogatory Number 12. I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

Interrogatory Number 13. Do you contend that you own or otherwise have a right to possess or occupy any portion of land within the area of the Weverton to Roxbury Rail and Trail area (also known as the former Washington County Branch of the Baltimore and Ohio Railroad) that is claimed to be owned by the State of Maryland at or near the location of Your Property?

Answer Interrogatory Number 13. No.

Interrogatory Number 14. If you contend that the right of way described in the deed recorded at Liber WMcKK 6, folio 363 (the "Wagon Road Right Way) has been lost, abandoned, relinquished, released, adversely possessed or otherwise extinguished in any manner whatsoever, set forth each and every reason it has been extinguished, and identify each and every fact upon which you rely to make such a contention. Attach to your answer copies of any and all documents that support such a contention.

Answer Interrogatory Number 14. No right of way is described in that document only a "right to use".

Interrogatory Number 15. Have you or any invitees to Your Property ever driven a motor vehicle on any portion of land within the area of the Weverton to Roxbury Rail and Trail area that is claimed to be owned by the State of Maryland at or near the location of Your Property or on any portion of the area encompassed by the Wagon Road Right of Way, and if so, identify and describe when and how often you have so driven.

Answer Interrogatory Number 15. Objection. Not relevant to any issues in this case nor calculated to lead to discoverable information.

Interrogatory Number 16. Since May 1, 2020, have you or anyone else piled up any trees or brush in parcel 3, or obstructed or in any other way encumbered the area within Parcel 3, and, if so, identify and describe the reasons this was done, the date it was done and the persons so doing.

Answer Interrogatory Number 16. I helped a neighbor to clear trees and brush from property line and piled on Parcel 3.

Interrogatory Number 17. State whether you have filed any claim for or related to any title insurance with respect to this occurrence or the rights of way that any Defendant claims the right to use across your Property, and, if you have, then describe the response of any such insurance company and attach to your answers any and all documents related thereto.

Answer Interrogatory Number 17. No

Interrogatory Number 18. If you contend that any portion of the Wagon Road right of Way was not in use by any person for any continuous period greater than one year from 1872 to the present, identify each and all such periods of non-use and identify any and all evidence thereof and any and all witnesses capable of providing testimony of each such period of non-use.

Answer Interrogatory Number 18. The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees. No one else has been authorized to use that property.

Interrogatory Number 19. If you contend that you, your predecessors in title, or any other party has adversely possessed the Wagon Road right of Way or any part thereof, set forth any and all facts that establish such adverse possession.

Answer Interrogatory Number 19. I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees, not authorized to do so.

Interrogatory Number 20. If you contend that Deena Holder, Uncle Eddie's Brokedown Palace, LLC, or any of their predecessors in title have ever manifested an intention to abandon the Wagon Road Right of Way, set forth any and all facts that tend to prove such a manifestation of intention.

Answer Interrogatory Number 20. Defendant never attempted to use any portion of my land until the spring of 2020 when I caught Justin Holder attempting to clear brush and trees from Parcel 3 without notice or permission. In July, 2017, prior owners of Defendant's land, David and Mark Hutzell, filed a Declaration which evidenced their intent to abandon any claims to the right to use any portion of my property.

Interrogatory Number 21. Identify all uses you or your predecessors in title have made of the area encompassed by the Wagon Road Right of Way, and identify the periods of time for each use, and whether each such use was open, notorious, continuous, hostile, and/or under a claim of right or color of title by the one(s) making the use.

Answer Interrogatory Number 21. Exact location of prior "Wagon Road" is unknown. It has not been used since I purchased the property in 1988. See Answer # 12.

Interrogatory Number 22. List every easement and/or right of way that exists on, over, through and/or across Your Property, including in your answer the nature of same, the date such easement and/or right of way was created, the name, addres and phone number of any person and/or entity who is benefited by such easement and/or right of way and the location of such easement and/or right of way.

Answer Interrogatory Number 22. See Deed Liber 885 Folio 110 to The Reeders; Potomac Edison Liber 330 folio 237

Interrogatory Number 23. At the time of purchase of Your Property, describe your understanding of any and all easements affecting Your Property.

Answer Interrogatory Number 23. See Answer # 22

Interrogatory Number 24. Describe the circumstances under which you became aware that any Defendant claimed an interest in the use of Your Property via an easement and/or right of way, including in your answer, when you became aware, who told you and what actions your took, if any, at such time to question or investigate any such claim.

Answer Interrogatory Number 24. May 29, 2020, I heard machinery (Bobcat/with tracks) nearby. I rode up and workers were clearing and cutting trees to make a path. I stopped workers, they called Defendant, Justin Holder. He showed up with DNC Officer. Defendant, Justin Holder, gave me a portion of a Deed claiming he has a wagon road right of way.

Interrogatory Number 25. During the course of your ownership of Your Property, describe in detail all attempts you have made to deny anyone access to the easement claimed by the Defendant.

Answer Interrogatory Number 25. It was not until May, 2020, that anyone challenged my claim to ownership of the land or denial of access over it. I put a wagon and chain on Parcel 3. Put a cable across Parcel 2. See Answer # 12. I put up numerous "No

Trespassing" signs in plain view hen I initially purchased the property. I put up new/additional "No Trespassing" signs over the years as needed. In 2020, I erected a metal cable across my driveway to keep trespassers off of my property.

Interrogatory Number 26. If you contend that any Defendant's use of the Wagon Road right of Way over Your Property is not necessary for any Defendants' access to the property located at 25 and 28 Antietam Drive, Keedysville, MD, state all facts upon which you base such contention.

Answer Interrogatory Number 26. The access to properties 25 and 28 Antietam Drive is on Antietam Drive. Has access off of Main Street to #25 and #28 Antietam Drive and also has alley access off of Dogstreet Road.

Interrogatory Number 27. State all facts upon which you rely in contending that Your Property is not subject to the Wagon Road Right of Way.

Answer Interrogatory Number 27. There is no "Wagon Road Right of Way". This is not mentioned on my Deed or survey. Also see Answers 12, 14, 18, 19 and 10.

Interrogatory Number 28. If you contend that you or your predecessors in title have excluded any person from using the Wagon Road Right of Way for any period of time, state all facts upon which you rely to support such a contention and identify any and all witnesses thereto.

Answer Interrogatory Number 28. No one has accessed property but myself for 32 years. See Answers 8, 12 and 18.

Interrogatory Number 29. On June 20, 2020, how many people did you block from using the end of your driveway at Dogstreet Road, and what and how many weapons did you have on or near your person on that day?

Answer Interrogatory Number 29. The number of people is unknown to me. I had no Weapons.

Interrogatory Number 30. When and how many times did any Defendant request that you stop blocking the Wagon Road Right of Way?

Answer Interrogatory Number 30. Justin and Deena sent letters each requesting the chain be removed on Parcel 3.

AFFIRMATION

I SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the matters and facts contained in the foregoing document are true and correct to the best of my knowledge, information and belief.

Jeffrey Young
Jeffrey Young

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Answer to Interrogatories was mailed postage prepaid this 20th day of January, 2021, was mailed prepaid postage to Adam D. Greivell, Esquire Greivell & Garrott Johnson, LLC, 5 Cornell Avenue, Hagerstown, MD 21742.

R. David Pembroke

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Answers to Interrogatories was mailed postage prepaid this 20th day of January, 2021 was mailed prepaid postage to Matthew Ruble, Esquire, via email to matt@mbrlaw.com.

R. David Pembroke

IN THE CIRCUIT COURT FOR

WASHINGTON COUNTY, MARYLAND

Benjamin Estes,	)	
Plaintiff,	)	
V.	)	Case No.
Justin Holder,	)	C-21-CV-20-000430
Defendant.	)	

Deposition of: JEFFREY YOUNG

September 16, 2021

Held at: 308 West Chapline Street

Sharpsburg, Maryland 21782

Jackie Smith, Court Reporter

P.O. Box 143

Boonsboro, Maryland 21713

(301) 326-5199

DEFENDANT'S EXHIBIT

2

Deena Holder

PENGAD 800-631-6989

APPEARANCES

FOR THE PLAINTIFF:

Aaron D. Neal, Esquire (Via Zoom)
McNamee Hosea
6411 Ivy Lane, Suite 200
Greenbelt, Maryland 20770

FOR THE DEPARTMENT OF NATURAL RESOURCES:

Talley Kovacs, Esquire (Via Zoom)

PRO SE DEFENDANT:

Justin Holder

C O N T E N T S

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Examination by Mr. Neal	20
Examination by Ms. Kovacs	20, 34

A. The day that you were on my property, that day, whichever day it was. I am not familiar with all the dates and times.

Q. Okay. So you are referring to the day that I had my agents take a Bobcat and clear the area behind Ms. Morral's house?

A. Yes, that day.

Q. Okay. And when I arrived with the DNR officer, do you remember the discussion we had?

A. Not exactly. It's been a year-and-a-half ago.

Q. Do you remember anything about it?

A. Just that you had met up there, clearing the property, and we had a discussion. I don't recall exactly what it was all about, just whether or not you had the right to do that.

Q. Okay. Did we talk about a road?

A. We discussed something about a road.

Q. Did you tell me you shut that road down years ago?

A. No. I didn't shut it down. It was a dead end. It ended.

Q. Where did it end?

A. Where the metal stakes were at the end of my property.

Q. And did that road travel down through the abandoned railroad, to your knowledge?

A. I don't know.

Q. Did you ever walk on that road?

A. I've been down through there, yes, with you, a couple times.

Q. I'm sorry. Prior to May 29th, did you ever walk on that road?

A. I walked to the end of my property. I never went down to the other end.

Q. Okay. So you don't know if it went on the abandoned railroad, you don't know if it went through --

A. I don't know. There is no evidence on my deed or my survey that that was a road.

MR. HOLDER: Okay. That's all the questions I have for you then.

MR. NEAL: I have nothing further.

FURTHER EXAMINATION

BY MS. KOVACS:

Q. Mr. Young, just one question related to the follow-ups from Mr. Holder. I'm not asking about your lawyer. I'm asking about your perspective. Do any statements or actions by any DNR employees have any role in the case you have against Mr. Holder?

MR. HOLDER: And I'm just going to object

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND:

I, Jackie Smith, Court Reporter in and for the aforesaid County and State, do hereby certify that the foregoing is a true and correct transcription of the deposition of Jeffrey Young in the matter of Benjamin Estes vs. Justin Holder, Case No. C-21-CV-20-000430 held on the 16th day of September, 2021.

Given under my hand this 24th of September, 2021.

Jackie Smith

Jackie Smith, Court Reporter
P.O. Box 143, Boonsboro, MD 21713
(301) 326-5199

My Commission Expires: March 30, 2024

Received for Record Dec. 20, 1963
at 10:59 o'clock A. M.
Receipt No. 5141 Liber 402

THIS DEED, Made this 20th day of December, A.D. 1963, by JANE L. DeBOLD and DONALD E. DeBOLD, SR., her husband; MYRTLE E. RHODES and ELLIS W. RHODES, SR., her husband; BETTY L. DIFFENDAL and RAYMOND R. DIFFENDAL, SR., her husband; VIRGINIA I. CARTER and HARRY S. CARTER, JR., her husband; and PHYLLIS R. CLIPP and S. BOBBY CLIPP, her husband; all of Washington County, State of Maryland;

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said Jane L. DeBold and Donald E. DeBold, Sr., her husband; Myrtle E. Rhodes and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and Harry S. Carter, Jr., her husband; and Phyllis B. Clipp and S. Bobby Clipp, her husband, do hereby grant and convey unto HARRY C. HUTZELL, JR. and MARY JANE HUTZELL, his wife, all our right, title and interest in and to all those two improved parcels of land situate in Washington County, Maryland, and more particularly described as follows:

PARCEL NO. 1: All that parcel of land situate on the South side of the mill dam and opposite the Town of Keedysville, Maryland, and beginning at a planted stone standing on the East side of the Washington County Railroad and on the East margin of said road, and running thence North 38° East 7.1 perches to a marked wild cherry tree, thence North 25½° West 1.84 perches to a marked locust tree, thence North 51 3/4° West 13.56 perches into the said mill dam, thence South 46½° West 2 3/4 perches to the outlines of said Washington County Railroad, thence bounding on the outlines thereof to the place of beginning; CONTAINING 80 square perches of land, more or less.

PARCEL NO. 2: All that small strip of land lying contiguous to Parcel No. 1 and beginning at a planted stone standing on the East side of said Washington County Railroad, it being also the beginning of Parcel No. 1, and running with the first line of Parcel No. 1 North 38° East 7.1 perches to a marked wild cherry tree, now a locust post, thence running Southwesterly 29 5/12 feet to "D" on the Plat, thence 91½ feet to the limits of said railroad at "E" on said Plat, thence 1 foot in a straight line to the beginning; CONTAINING 306 square feet of land, more or less.

Together with a certain right of way and use of a wagon road commencing at a stone planted at the West margin of the Washington County Railroad at the point Aaron Cost, a former Grantor, called his railroad crossing, and running along the West boundary of said road South 30 3/4° East 14 perches to a stone, South 36° East 10.6 perches to the lands formerly owned by Jacob Keedy, thence along the division line between said land and the land formerly owned by Aaron Cost to the intersection of the road leading from the dwelling house on the said land formerly owned by Jacob Keedy to the County Road leading from Keedysville to the land formerly owned by Martin Eakle.

The above-mentioned Plat is recorded in Liber 143, at the bottom of folio 383, one of the Land Records of Washington County, Maryland.

Being the same property which was conveyed to John H. Cromer and Katherine M. Cromer, his wife, by John W. Holmes and wife, by Deed dated the 25th day of February, A.D. 1938, and recorded among the aforesaid Land Records in Liber 206, folio 164;

MARTIN V. B. BOSTETTER
ATTORNEY AT LAW
HAGERSTOWN, MD

VALID ONLY WITH IMPRESSED SEAL

I HEREBY CERTIFY, that this is a true copy of one of the records of Washington County, Maryland, having been recorded in Land Records Liber 402 Folio 394-395 in the Office of the Clerk of the Circuit Court. In Testimony whereof I hereunto subscribe my name and affix the Seal of the Circuit Court For Washington County, Maryland.

KEVIN R. TUCKER, CLERK

06/08/2022
DATE ISSUED

DEFENDANT'S
EXHIBIT
1
Justin Holl
PENGAD 800-631-6989

(the said Katherine M. Cromer having predeceased the said John H. Cromer, wherefore the title to said property became vested in the said John H. Cromer by right of survivorship, and the said John H. Cromer departed this life intestate on the 6th day of April, A.D. 1963, leaving surviving him as his only heirs-at-law Jane L. DeBold, Myrtle E. Rhodes, Betty L. Diffendal, Virginia I. Carter, and Phyllis R. Clipp.)

Reference to all of the aforesaid records is hereby made for a more particular description.

And we, the said Jane L. DeBold and Donald F. DeBold, Sr., her husband; Myrtle E. Rhodes and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and Harry S. Carter, Jr., her husband; and Phyllis B. Clipp and S. Bobby Clipp, her husband, do hereby covenant that we will warrant generally the property hereby conveyed and that we will execute such other and further assurances as may be requisite.

WITNESS our hands and seals.

Jane L. DeBold (SEAL)
Jane L. DeBold

Donald E. DeBold Sr. (SEAL)
Donald F. DeBold, Sr.

Myrtle E. Rhodes (SEAL)
Myrtle E. Rhodes

Ellis W Rhodes Sr. (SEAL)
Ellis W. Rhodes, Sr.

Betty L. Diffendal (SEAL)
Betty L. Diffendal

Raymond R Diffendal Sr (SEAL)
Raymond R. Diffendal, Sr.

Virginia I. Carter (SEAL)
Virginia I. Carter

Harry S. Carter Jr. (SEAL)
Harry S. Carter, Jr.

Phyllis R. Clipp (SEAL)
Phyllis R. Clipp

S. Bobby Clipp (SEAL)
S. Bobby Clipp

MARTIN V. B. BOSTETTER
ATTORNEY AT LAW
HAGERSTOWN, MD.

TEST:

Irene R. Burris
Irene R. Burris

IN THE CIRCUIT COURT FOR WASHINGTON COUNTY, MARYLAND

JEFFREY YOUNG *
PLAINTIFF *
*
vs. * **CASE NO. C-21-CV-20-000371**

DEENA HOLDER *
DEFENDANT *
*

ANSWERS TO INTERROGATORIES

TO: DEENA HOLDER, Defendant

FROM: JEFFREY YOUNG, Plaintiff

Comes now the Plaintiff, Jeffrey Young, thru his attorney, R. David Pembroke, and in response to the Interrogatories propounded to his by the Defendant states as follows:

a. The information contained in these Answers is being provided in accordance with the Maryland Rules requiring the disclosure of all facts which may be relevant or may lead to discovery of relevant information. Accordingly, the party answering these Interrogatories does not, by providing information requested, waive objections to the admissibility of any such information on the grounds of materiality, relevancy or other appropriate grounds.

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c. The word usage and sentence structure may be that of the attorney assisting in the preparation of these Answers, and not necessarily the precise language of the executing party.

Interrogatory Number 1. Identify each person whom you expect to call as an expert witness at trial, state the subject matter on which the expert is expected to testify, state the substance of the findings and opinions to which the expert is expected to testify and a summary of the grounds for each opinion, and, with respect to an expert whose findings and

DEFENDANT'S EXHIBIT
2
Justin Holder
PENGAD 800-631-6989

opinions were acquired in anticipation of litigation or for trial, summarize the qualifications of the expert, state the terms of the expert's compensation, and attach to your answers any available list of publications written by the expert and any written report made by the expert concerning the expert's findings and opinions. (standard general Interrogatory No. 2.)

Answer Interrogatory Number 1. Christopher Joliet, Real Estate Attorney, 223 North Prospect Street, Hagerstown, MD 21740, 301-791-5150. Real Estate Attorney for more than thirty (30) years. No written report has been made.

Interrogatory Number 2. Itemize and show how you calculate any economic damages claimed by you in this action, and describe any non-economic damages claims. (Standard General Interrogatory No. 4.)

Answer Interrogatory Number 2. No economic damages are claimed.

Interrogatory Number 3. If any person carrying on an insurance business might be liable to satisfy part or all of a judgment that might be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment, identify that person, state the applicable policy limits of any insurance agreement under which the person might be liable, and describe any question or challenge raised by the person relating to coverage for this action. (Standard General Interrogatory No. 5.)

Answer Interrogatory Number 3. Objection – information is not relevant to the issues in this case.

Interrogatory Number 4. Identify all persons who are likely to have personal knowledge of any use or possession by you of Parcels 2 and 3 and state the subject matter of the personal knowledge possessed by each person.

Answer Interrogatory Number 4. My wife, Ben Estes, Mark Hutzell, David Hutzell, Carl French, Russ Robinson III, Esquire, Christine Morral and Scott Morral and Mary Ironside.

Paul and Shirley Applee, New Market, MD 301-865-5817

William Babbingon, Sharpsburg, MD 301-834-8249

Bud Brashears, Jefferson, MD 301-834-8249

Dave Brashears, Walkersville, MD 301-471-9975

Tom Creager, Fort Riche, MD 301-241-3456

Jimmie Crammer, Keedysville, MD 301-432-6574

Eric Crampton, Wolfville, MD 301-639-8276

Jeff Crampton, Jefferson, MD 301-371-5179

Linda Hill, Bakertown, WV 304-274-2081

Jeff Kaufman, Laidersburg, MD 301-898-9191

Ken & Clair Kelly, Sharpsburg, MD 301-432-8826

Shawn Kelly, Sharpsburg, MD 301-432-7596

Ron & Terry Lichtinger, Fort Loudon, PA 717-369-3950

Kevin Lowery, burkittsville, MD 301-432-2325

John Lowery, Sharpsburg, MD 301-432-5097

Dale Miller, Wolfsville, MD 301-416-0783

Junior Miller, Braddock Heights, MD 301-371-7792

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Sonny & Candance Estler, Libertytown, MD 301-695-0331

Todd Downs, Mountaindale, MD 301-898-9367

Tom Davis, Sharpsburg, MD 301-432-4391

Tim Duffy, Middletown, MD 301-371-5984

Wanda Eaton, Frederick, MD 301-696-9389

Dewayne & Ruth Geason, Wolfeville, MD 301-371-3394

Ethel Giffin, Sharpsburg, MD 301-432-2793

Paul ONeal, Middletown, MD 301-371-6995

Mark Given, Middletown, MD 301-371-4736

Janet Hardy, Sharpsburg, MD 301-606-0483

George Harte, Tilghmantown, MD 301-991-3147

T.J. Onely, Frederick, MD 301-663-5231

Jim Proctor, Falling Waters, WV 304-902-4631

Jared Rohr, Sharpsburg, MD 301-223-5634

Jim Twigg, Carroll Valley, PA 717-642-6699

Jim Thacher, Middletown, MD 301-371-5892

Pam & Randy Weinburg, Frederick, MD 301-865-1607

Billy Wedole, Wolfeville, MD 301-293-2757

Donny Wilson, Keedysville, MD 301-416-2216

Mike & Lidia Young, Sandy Hook, MD 301-834-7911

Dave Roekey, Sharpsburg, MD 301-834-9621

Jessee Downs, Frederick, MD 240-527-8991

Jayda Downs, Hagerstown,MD 301-4656-3701

Bryan Axline, New Midway, MD 240-409-4608

Charlie Blancato, Keedysville, MD 240-457-2529

Chris Joliet , Hagerstown, MD 301-791-5150

Scott & Christine Morral, Keedysville, MD 301-693-3810

Dave & Erin Eckes, Keedysville, MD 240-398-8673

David Pembroke, Hagerstown, MD 301-791-5674

John Brewer, Frederick, MD 301-471-8549

Matt Shultze, Mountaindale, MD 240-674-8559

Mike Stockman, Hagerstown, MD 240-674-8361

Todd Rachor, Hagerstown, MD 301-465-0376

Walt Remsburg, Sharpsburg, MD 2490285-3429

Interrogatory Number 5. Identify each boundary survey, metes and bounds description, plat, survey, or drawing prepared by any licensed surveyor, attorney, or title company which depicts Parcel 2 or Parcel 3.

Answer Interrogatory Number 5. #1 Harry Wickline had Frederick, Seibert and Associates; Inc. dated 6-16-1988 recorded Plat Folio 2499. #2 Liber 434 Folio 776 survey, December 3 & 10, 1965, surveyor's name ineligible. #3 Survey 1993 Fred Fredricks, June 30, 1993, Liber 1108, folio 790, tax map 73 parcel 180, 1990 and current
Plat 4666 prepared by Robert D. Holmes, dated July 8, 1996 Prepared by Fox and Associates.
Plat 8293 Prepared by Gary Castle dated May 9, 2005
Plat 8292 Prepared by Gary Castle dated May 9, 2005

Interrogatory Number 6. If any person holds any mortgage, deed of trust, or other lien interest in the Jeffrey Young Property, identify the person, what type of interest is held, what documents evidence the interest, when the interest was created, and the location of any documents generated when the interest was being created.

Answer Interrogatory Number 6. M & T Bank $25,000 May 21, 2028.
Deed of trust Liber 5764 Folio 296 Jeffrey Young
CVOSS County Mortgage, Inc. August 21, 2012, $283,000 Liber 4356 Folio 91
Deed of Trust

Location Land Records Washington County Maryland

Interrogatory Number 7. Identify any policy of title insurance covering the Jeffrey Young Property, including the underwriter, any issuing agent, the policy number, the date, and amount of the policy, the date and amount of any claim asserted under the policy, and the location and custodian of any records related to the policy.

Answer Interrogatory Number 7. Objection – information is not relevant to the issues in this case.

Interrogatory Number 8. Identify each person to whom you have ever communicated your claim to own Parcels 2 and 3, including the manner of communication, what was stated or written, and the date of each communication.

Answer Interrogatory Number 8. Benjamin Estes, talked 1 time December 2020 oral general discussion of Justin and pending case.
Lieutenant Hollinger, 1 or 2 times on phone. Summer of 2020 talked about trespassing and right of way claimed by Holder.
Christine Morral, multi times. Oral communication in reference to Peace Order proceedings and existence of wagon road right of way.
Scott Morral, multi times. Oral communication in reference to Peace Order proceedings and existence of wagon road right of way.
Erin Ackers, she called me, said people on client's property looked like surveying September 3, 2020. I said "thank you".
Any Law Enforcement Officer, sheriff's dept. September 26, 2020. Lock on cable across lane was damaged. I spoke with several officers
Any department of Natural Resources agent, employee or official, spoke one time regarding Holder clearing brush with machine.
Any Surveyor, Fred Sibert, I had a telephone call on information of site plans (client should get a Peace Order against Holder)
Rick Bishop – talked to him. Asked if he had any maps or plots of Keedysville including said property and boundaries.

Numerous unnamed individuals since I purchased the property in 1988. Dates and exact content of conversations are unknown generally, I informed them to stay off of the property. After first several years, I stopped having problems with people coming on the property until Justin Holder.

Interrogatory Number 9. Identify and describe the location of each road or lane which existed on the Jeffrey Young Property when you purchased it in 1988.

Answer Interrogatory Number 9. Driveway from Dog Street to the house as shown on Plat 2499 dated 6-16-1988.

Interrogatory Number 10. If you have ever taken any action to alter impede, interrupt, close, or block any road or lane on the Jeffrey Young Property, state what actions you took, when you took the, and why.

Answer Interrogatory Number 10. I did erect a cable in the spring of 2020. Previously I physically confronted individuals who were on my property without authorization since purchasing the property in 1988. No right of way currently exists on that Portion of Property. I intended to prohibit trespassing on my property.

Interrogatory Number 11. If you contend that your possession for Parcels 2 and 3 was "actual", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 11. I have been within the area on a regular basis since purchasing the property 32 years ago. Exact times and dates are unknown.

I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees. No one else has been authorized to use that property.

I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees, not authorized to do so.

Interrogatory Number 12. If you contend that your possession for Parcels 2 and 3 was "visible", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 12. My wife, Ben Estes, Mark Hutzell, David Hutzell, Carl French, Russ Robinson III, Esquire, Christine Morral and Scott Morral and Mary Ironside.

Paul and Shirley Applee, New Market, MD 301-865-5817

William Babbingon, Sharpsburg, MD 301-834-8249

Bud Brashears, Jefferson, MD 301-834-8249

Dave Brashears, Walkersville, MD 301-471-9975

Tom Creager, Fort Riche, MD 301-241-3456

Jimmie Crammer, Keedysville, MD 301-432-6574

Eric Crampton, Wolfville, MD 301-639-8276

Jeff Crampton, Jefferson, MD 301-371-5179

Linda Hill, Bakertown, WV 304-274-2081

Jeff Kaufman, Laidersburg, MD 301-898-9191

Ken & Clair Kelly, Sharpsburg, MD 301-432-8826

Shawn Kelly, Sharpsburg, MD 301-432-7596

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Kevin Lowery, burkittsville, MD 301-432-2325

John Lowery, Sharpsburg, MD 301-432-5097

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Junior Miller, Braddock Heights, MD 301-371-7792

Phil Mose, Sharpsburg, MD 301-432-7721

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Jim Macrum, Frederick, MD 301-663-5788

John Kavaha, Frederick, MD 301-695-2792

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Tom Davis, Sharpsburg, MD 301-432-4391

Tim Duffy, Middletown, MD 301-371-5984

Wanda Eaton, Frederick, MD 301-696-9389

Dewayne & Ruth Geason, Wolfeville, MD 301-371-3394

Ethel Giffin, Sharpsburg, MD 301-432-2793

Paul ONeal, Middletown, MD 301-371-6995

Mark Given, Middletown, MD 301-371-4736

Janet Hardy, Sharpsburg, MD 301-606-0483

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Jim Twigg, Carroll Valley, PA 717-642-6699

Jim Thacher, Middletown, MD 301-371-5892

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Billy Wedole, Wolfeville, MD 301-293-2757

Donny Wilson, Keedysville, MD 301-416-2216

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Jayda Downs, Hagerstown,MD 301-4656-3701

Bryan Axline, New Midway, MD 240-409-4608

Charlie Blancato, Keedysville, MD 240-457-2529

Chris Joliet , Hagerstown, MD 301-791-5150

Scott & Christine Morral, Keedysville, MD 301-693-3810

Dave & Erin Eckes, Keedysville, MD 240-398-8673

David Pembroke, Hagerstown, MD 301-791-5674

John Brewer, Frederick, MD 301-471-8549

Matt Shultze, Mountaindale, MD 240-674-8559

Mike Stockman, Hagerstown, MD 240-674-8361

Todd Rachor, Hagerstown, MD 301-465-0376

Walt Remsburg, Sharpsburg, MD 2490285-3429

Interrogatory Number 13. If you contend that your possession of Parcels 2 and 3 was "open and notorious", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 13. My wife, Ben Estes, Mark Hutzell, David Hutzell, Carl French, Russ Robinson III, Esquire, Christine Morral and Scott Morral and Mary Ironside.

Paul and Shirley Applee, New Market, MD 301-865-5817

William Babbingon, Sharpsburg, MD 301-834-8249

Bud Brashears, Jefferson, MD 301-834-8249

Dave Brashears, Walkersville, MD 301-471-9975

Tom Creager, Fort Riche, MD 301-241-3456

Jimmie Crammer, Keedysville, MD 301-432-6574

Eric Crampton, Wolfville, MD 301-639-8276

Jeff Crampton, Jefferson, MD 301-371-5179

Linda Hill, Bakertown, WV 304-274-2081

Jeff Kaufman, Laidersburg, MD 301-898-9191

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Shawn Kelly, Sharpsburg, MD 301-432-7596

Ron & Terry Lichtinger, Fort Loudon, PA 717-369-3950

Kevin Lowery, burkittsville, MD 301-432-2325

John Lowery, Sharpsburg, MD 301-432-5097

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Junior Miller, Braddock Heights, MD 301-371-7792

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John Kavaha, Frederick, MD 301-695-2792

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Tom Davis, Sharpsburg, MD 301-432-4391

Tim Duffy, Middletown, MD 301-371-5984

Wanda Eaton, Frederick, MD 301-696-9389

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Jared Rohr, Sharpsburg, MD 301-223-5634

Jim Twigg, Carroll Valley, PA 717-642-6699

Jim Thacher, Middletown, MD 301-371-5892

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Scott & Christine Morral, Keedysville, MD 301-693-3810

Dave & Erin Eckes, Keedysville, MD 240-398-8673

David Pembroke, Hagerstown, MD 301-791-5674

John Brewer, Frederick, MD 301-471-8549

Matt Shultze, Mountaindale, MD 240-674-8559

Mike Stockman, Hagerstown, MD 240-674-8361

Todd Rachor, Hagerstown, MD 301-465-0376

Walt Remsburg, Sharpsburg, MD 2490285-3429

Interrogatory Number 14. If you contend that your possession of Parcels 2 and 3 was "exclusive", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identify of each person having knowledge of such facts.

Answer Interrogatory Number 14. My wife, Ben Estes, Mark Hutzell, David Hutzell, Carl French, Russ Robinson III, Esquire, Christine Morral and Scott Morral and Mary Ironside.

Paul and Shirley Applee, New Market, MD 301-865-5817

William Babbingon, Sharpsburg, MD 301-834-8249

Bud Brashears, Jefferson, MD 301-834-8249

Dave Brashears, Walkersville, MD 301-471-9975

Tom Creager, Fort Riche, MD 301-241-3456

Jimmie Crammer, Keedysville, MD 301-432-6574

Eric Crampton, Wolfville, MD 301-639-8276

Jeff Crampton, Jefferson, MD 301-371-5179

Linda Hill, Bakertown, WV 304-274-2081

Jeff Kaufman, Laidersburg, MD 301-898-9191

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Shawn Kelly, Sharpsburg, MD 301-432-7596

Ron & Terry Lichtinger, Fort Loudon, PA 717-369-3950

Kevin Lowery, burkittsville, MD 301-432-2325

John Lowery, Sharpsburg, MD 301-432-5097

Dale Miller, Wolfsville, MD 301-416-0783

Junior Miller, Braddock Heights, MD 301-371-7792

Phil Mose, Sharpsburg, MD 301-432-7721

Glen & Mayo Murry, Thurmont, MD 301-271-4198

Jim Macrum, Frederick, MD 301-663-5788

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Bryan Axline, New Midway, MD 240-409-4608

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David Pembroke, Hagerstown, MD 301-791-5674

John Brewer, Frederick, MD 301-471-8549

Matt Shultze, Mountaindale, MD 240-674-8559

Mike Stockman, Hagerstown, MD 240-674-8361

Todd Rachor, Hagerstown, MD 301-465-0376

Walt Remsburg, Sharpsburg, MD 2490285-3429

Interrogatory Number 15. If you contend that your possession for Parcels 2 and 3 was "hostile", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 15. My wife, Ben Estes, Mark Hutzell, David Hutzell, Carl French, Russ Robinson III, Esquire, Christine Morral and Scott Morral and Mary Ironside. Maya and Glenn Murry with their children, Pam & Rand Weinberg with their children,Candace & Sonny with their children, Jessee Downs with girlfriends (Lisa, Julia, Rachel and Anny) and their children. Janet Hardy, Buddy and Pam Brashears, Jim and Terrie Twigg, Perry Pryor, Mike, Linda, Clyde and Natilie Young, Scott, Linda, Kerie and Mikie Hill. Karl Zimmerman, Jimmy Cramer, Dawn and Jese Coleman, Erie and Jeff Crampton, John Kovaha, John Brewer, Jarad Rohr, George Harte, Willy Babington,David Pembroke, Chis Joliet, Dave and Eric Eckes, Scott and Christine Morral, Charlie Blancato, Bryan Axline,Billy Weddel, Tommy Creger, Todd Rachor, Walt Remsburg, Ron Lichingtinger, Patty Kaetzel, Oaky Martin, Mike and Matt Shultz, Mike Stockman, Dave Brashears, Dave Roekey,James and Becky Colunga, Tom Davis, Tim and Mark Duffy, Herk Divel, Ronny Rice, Ron, Kris, Ronny,Rob and Matt Kline, Todd, Jessee, Jayda, Mason and Kyle Downs, Wanda and Sara Eaton, Ethel Giffin, Dewayne and Ruth Gleason, Paul O Neal, Jim Thacher,Todd and Kristy Holland, Janet Hardy, Danny and Pam Herwitz, Steen Hill, Jeff Kaufman, Bryant Harrison, Ken, Clair and Shawn Kelly, Kevin and John Lowery, Dale Miller, Phil

Mose Jim Macrum, T.J. Onley, John Palmer Jim and Dana Proctor, John Philips, Mike and Hope Showe, Randy Trott, Wally Yater.

Interrogatory Number 16. If you contend that your possession for Parcels 2 and 3 was "under color of title", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 16. See Deeds, Mortgages and Plats in chain of title since purchase of property in 1988.

Interrogatory Number 17. If you contend that your possession for Parcels 2 and 3 was "under the claim of right", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 17. See answer Number 16.

Interrogatory Number 18. If you contend that your possession for Parcels 2 and 3 was "continuous and uninterrupted", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 18. I have been within the area on a regular basis since purchasing the property 32 years ago. Exact times and dates are unknown.

Damage to trees, brush and posts when Justin Holder removed and attempted remove trees, brush and posts.

I confronted and expelled trespassers when they came onto my property since I purchased it in 1988.

Interrogatory Number 19. Name each person you contend in paragraph 14 of your Complaint adversely possessed Parcel 2 or Parcel 3, state the actions which you contend constituted adverse possession by your "predecessors in title", and identify all person having knowledge of such alleged adverse possession.

Answer Interrogatory Number 19. Roy and May Reeders claim parcels 2 & 3 in Deed dated January 7, 1966. Liber 434 Folio 776
Reeder acquired property in April 30, 1945 Liber 230 Folio 139 possession 1945-1966

Interrogatory Number 20. Identify each person who is an "adjacent property owner" as averred in paragraph 15 of your Complaint, and identify (by Liber and folio recoding reference), the Deeds to which you refer in that paragraph.
Answer Interrogatory Number 20. See tax map 73.

Interrogatory Number 21. Identify each person who "reported" to you as alleged in the last sentence of paragraph 18 of your Complaint, including the date, precisely what was "reported", and the names of all persons present or copies on the alleged reports.

Answer Interrogatory Number 21. Christine and Scott Morral. Charles Blancato, 118 Stonecrest Circle, Keedysville, MD 21756 reported that an individual, later identified as Justin Holder, was on my property. Reports were made in the spring of 2020.

Interrogatory Number 22. Identify the owners of each parcel which adjoins or lies adjacent to Parcel 2 or Parcel 3.

Answer Interrogatory Number 22. Same as answer #20.
Interrogatory Number 23. Identify each owner of adjoining property who you interrogated as alleged in paragraph 20 of your Complaint, including in your answer the location of the property they own, when they were interrogated by you, what questions you asked, and what responses were given by each adjoining owner.

Answer Interrogatory Number 23. Christine and Scott Morral in spring 2020

Jennifer Butts date unknown but in 1993. Charles Blancato, 118 Stonecrest Circle, Keedysville, MD 21756

Interrogatory Number 24. If you contend that any Defendant in this action, or any agent of any Defendant, made any written or oral admission against interest, precisely state the date and content of each such alleged admission, and name all persons who read or heard it.
Answer Interrogatory Number 24. Defendant, through counsel, offered to purchase the Right of Way across the subject's property for $5,000.00 on July 23, 2020, after the conclusion of the peace order case in District Court.

Interrogatory Number 25. If you contend that the Wagon Road right of Way was ever extinguished as a result of abandonment, state the facts upon which you base your contention, and identify all persons having personal knowledge of such abandonment.
Answer Interrogatory Number 25. Plaintiff contends that no right of way ever existed on Parcels 2 & 3 of Defendant's property. However, if there was a lane existed that once benefited Defendant's property, any right of Way that may have existed over Parcels 2 & 3 of the property was abandoned decades before my purchase as evidenced by deed from Roy and May Reeder to Harry Wickline (deed Liber 434, Folio 776, January 7, 1966) and by physical appearance of the land on Parcel 3 which was overgrown with nature trees. Deed from Wickline to Plaintiff, dated August 3, 1988 Liber 885 Folio 110, which refers to Wickline Plat and Plat 2499 indicates that no Wagon Road is present on the property. See Plats to Stonecrest which disclose no "Wagon Road" or lane which would go over lots 9 & 10 and the forest conservation area. Plat 9 10955, prepared for Defendants by Fred Fredericks on 2-26-19 shows access to Defendant's property so Antietam Drive and no "Wagon Road" appears on the Plat.

Interrogatory Number 26. If you contend that your possession for Parcels 2 and 3 was "hostile", set forth the facts on which you rely, including but not limited to the time periods during which the facts purportedly occurred, and the identity of each person having knowledge of such facts.

Answer Interrogatory Number 26. Plaintiff contends that no right of way ever existed on Parcels 2 & 3 of Defendant's property. However, if there was a lane existed that once benefited Defendant's property, declaration by Hutzell dated, July 6, 2017 Liber 5540 Folio 476 which indicated that access to Defendant's property is Antietam Drive.

Interrogatory Number 27. If you contend that the Wagon Road Right of Way was ever extinguished by adverse possession, state the facts upon which you base your contention, and identify all persons having personal knowledge of such adverse possession.

Answer Interrogatory Number 27. Plaintiff contends that no right of way ever existed on Parcels 2 & 3 of Defendant's property. However, if there was a lane existed that once benefited Defendant's property, I have been within the area on a regular basis since purchasing the property 32 years ago. Exact times and dates are unknown.

I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees. No one else has been authorized to use that property.

I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees, not authorized to do so.

Interrogatory Number 28. If you contend that the Wagon Road Right of Way was ever extinguished by any means, state the facts upon which the Wagon Road right of Way was extinguished, and the facts which support your contention.

Answer Interrogatory Number 28. Plaintiff contends that no right of way ever existed on Parcels 2 & 3 of Defendant's property. However, if there was a lane existed that once benefited Defendant's property, any right of Way that may have existed over Parcels 2 & 3 of the property was abandoned decades before my purchase as evidenced by deed from Roy and May Reeder to Harry Wickline (deed Liber 434, Folio 776, January 7, 1966) and by physical appearance of the land on Parcel 3 which was overgrown with nature trees. Deed from Wickline to Plaintiff, dated August 3, 1988 Liber 885 Folio 110, which refers to Wickline Plat and Plat 2499 indicates that no Wagon Road is present on the property. See Plats to Stonecrest which disclose no "Wagon Road" or lane which would go over lots 9 & 10 and the forest conservation area. Plat 9 10955, prepared for Defendants by Fred Fredericks on 2-26-19 shows access to Defendant's property so Antietam Drive and no "Wagon Road" appears on the Plat.

declaration by Hutzell dated, July 6, 2017 Liber 5540 Folio 476 which indicated that access to Defendant's property is Antietam Drive.

I have been within the area on a regular basis since purchasing the property 32 years ago. Exact times and dates are unknown.

I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees. No one else has been authorized to use that property.

I purchased this land in 1988 and no one other than me and my family has been allowed to use this property for any purpose since the purchase. Upon my purchase I immediately posted "No Trespassing" signs in plain view. For the first several years I had problems with people coming on that parcel. However, I was very diligent in posting No Trespassing signs and confronting trespassers.

The property known as Parcel 3 has not been used since 1988 by anyone other than myself, family and invitees, not authorized to do so.

AFFIRMATION

I SOLEMNLY DECLARE AND AFFIRM under the penalties of perjury that the matters and facts contained in the foregoing document are true and correct to the best of my knowledge, information and belief.

Jeffrey Young

Jeffrey Young

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Answer to Interrogatories was mailed postage prepaid this 14th day of May, 2021, was sent via email to jholder2004@gmail.com.

R. David Pembroke

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Answers to Interrogatories was mailed postage prepaid this 14th day of May, 2021 was sent to Matthew Ruble, Esquire, via email to matt@mbrlaw.com.

R. David Pembroke

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforegoing Answers to Interrogatories was mailed postage prepaid this 14th day of May, 2021 was sent to Robert Kline, III, Esquire, via email at Robert Kline, III, Esquire at rkline@cookeandkline.com

R. David Pembroke